IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 490 OF 2006

Rajeshkumar Kunjbihari Dwivedi ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. A. Mishra for the applicant.
Mr. R.Y. Mirza, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 8th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for bail. The applicant was arrested in connection with C.R. No. 63 of 2003 registered at Gamdevi Police Station for the offence punishable under section 449, 392, 397, 302 read with 34 of the Indian Penal Code. Charge-sheet has been filed.

3. The learned APP submits that four witnesses have been examined and another 8 to 10 witnesses are to be examined. The learned Counsel for the applicant submits that after four witnesses were examined, the concerned judge was transferred and no other judge has

been appointed since October, 2005.

4. In my view, since trial has begun, there is no question of considering the application for bail at this stage. The Principal Judge, however, is directed to assign this case to another Court if the said Court which was seized of this case is still vacant. If the case is assigned to the new Court, the Sessions Judge is directed to decide this case expeditiously and preferably within a period of six months. If the trial is not over by that time, liberty is granted to the applicant to apply for bail again. With these directions application is disposed of.

5. Registry is directed to send copy of this order to the Principal Judge, City Civil & Sessions Court, Mumbai forthwith.

V.M. KANADE, J.